

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by
5 changing Sections 17-116 and 17-122 as follows:

6 (40 ILCS 5/17-116) (from Ch. 108 1/2, par. 17-116)
7 Sec. 17-116. Service retirement pension.

8 (a) Each teacher having 20 years of service upon
9 attainment of age 55, or who thereafter attains age 55 shall
10 be entitled to a service retirement pension upon or after
11 attainment of age 55; and each teacher in service on or after
12 July 1, 1971, with 5 or more but less than 20 years of
13 service shall be entitled to receive a service retirement
14 pension upon or after attainment of age 62.

15 (b) The service retirement pension for a teacher who
16 retires on or after June 25, 1971, at age 60 or over, shall
17 be calculated as follows:

18 (1) For creditable service earned before July 1,
19 1998 that has not been augmented under Section 17-119.1:
20 1.67% for each of the first 10 years of service; 1.90%
21 for each of the next 10 years of service; 2.10% for each
22 year of service in excess of 20 but not exceeding 30; and
23 2.30% for each year of service in excess of 30, based
24 upon average salary as herein defined.

25 (2) For creditable service earned on or after July
26 1, 1998 by a member who has at least 30 years of
27 creditable service on July 1, 1998 and who does not elect
28 to augment service under Section 17-119.1: 2.3% of
29 average salary for each year of creditable service earned
30 on or after July 1, 1998.

31 (3) For all other creditable service: 2.2% of

1 average salary for each year of creditable service.

2 (c) When computing such service retirement pensions, the
3 following conditions shall apply:

4 1. Average salary shall consist of the average
5 annual rate of salary for the 3 ~~the-4-consecutive~~ years
6 of validated service within the last 10 years of service
7 when such average annual rate was highest. In the
8 determination of average salary for retirement allowance
9 purposes, for members who commenced employment after
10 August 31, 1979, that part of the salary for any year
11 shall be excluded which exceeds the annual full-time
12 salary rate for the preceding year by more than 20%. In
13 the case of a member who commenced employment before
14 August 31, 1979 and who receives salary during any year
15 after September 1, 1983 which exceeds the annual full
16 time salary rate for the preceding year by more than 20%,
17 an Employer and other employers of eligible contributors
18 as defined in Section 17-106 shall pay to the Fund an
19 amount equal to the present value of the additional
20 service retirement pension resulting from such excess
21 salary. The present value of the additional service
22 retirement pension shall be computed by the Board on the
23 basis of actuarial tables adopted by the Board. If a
24 member elects to receive a pension from this Fund
25 provided by Section 20-121, his salary under the State
26 Universities Retirement System and the Teachers'
27 Retirement System of the State of Illinois shall be
28 considered in determining such average salary. Amounts
29 paid after the effective date of this amendatory Act of
30 1991 for unused vacation time earned after that effective
31 date shall not under any circumstances be included in the
32 calculation of average salary or the annual rate of
33 salary for the purposes of this Article.

34 2. Proportionate credit shall be given for

1 validated service of less than one year.

2 3. For retirement at age 60 or over the pension
3 shall be payable at the full rate.

4 4. For separation from service below age 60 to a
5 minimum age of 55, the pension shall be discounted at the
6 rate of 0.5% ~~1/2-of-one-per-cent~~ for each month that the
7 age of the contributor is less than 60, but a teacher may
8 elect to defer the effective date of pension in order to
9 eliminate or reduce this discount. This discount shall
10 not be applicable to any participant who has at least 34
11 years of service or a retirement pension of at least
12 74.6% of average salary on the date the retirement
13 annuity begins.

14 5. No additional pension shall be granted for
15 service exceeding 45 years. Beginning June 26, 1971, no
16 pension shall exceed the greater of \$1,500 per month or
17 75% of average salary as herein defined.

18 6. Service retirement pensions shall begin on the
19 effective date of resignation, retirement, the day
20 following the close of the payroll period for which
21 service credit was validated, or the time the person
22 resigning or retiring attains age 55, or on a date
23 elected by the teacher, whichever shall be latest.

24 7. A member who is eligible to receive a retirement
25 pension of at least 74.6% of average salary and will
26 attain age 55 on or before December 31 during the year
27 which commences on July 1 shall be deemed to attain age
28 55 on the preceding June 1.

29 8. A member retiring after the effective date of
30 this amendatory Act of 1998 shall receive a pension equal
31 to 75% of average salary if the member is qualified to
32 receive a retirement pension equal to at least 74.6% of
33 average salary under this Article or as proportional
34 annuities under Article 20 of this Code.

1 (Source: P.A. 90-566, eff. 1-2-98; 90-582, eff. 5-27-98.)

2 (40 ILCS 5/17-122) (from Ch. 108 1/2, par. 17-122)

3 Sec. 17-122. Survivor's and children's pensions - Amount.

4 Upon the death of a teacher who has completed at least 1 1/2
5 years of contributing service with either this Fund or the
6 State Universities Retirement System or the Teachers'
7 Retirement System of the State of Illinois, provided his
8 death occurred while (a) in active service covered by the
9 Fund or during his first 18 months of continuous employment
10 without a break in service under any other participating
11 system as defined in the Illinois Retirement Systems
12 Reciprocal Act except the State Universities Retirement
13 System and the Teachers' Retirement System of the State of
14 Illinois, (b) on a creditable leave of absence, (c) on a
15 noncreditable leave of absence of no more than one year, or
16 (d) a pension was deferred or pending provided the teacher
17 had at least 10 years of validated service credit, or upon
18 the death of a pensioner otherwise qualified for such
19 benefit, the surviving spouse and unmarried minor children of
20 the deceased teacher under age 18 shall be entitled to
21 pensions, under the conditions stated hereinafter. Such
22 Survivor's and children's pensions shall be based on the
23 average of the 3 ~~the-4~~ highest consecutive years of salary in
24 the last 10 years of service or on the average salary for
25 total service, if total service has been less than 3 ~~than-4~~
26 years, according to the following percentages:

27 30% of average salary or 50% of the retirement pension
28 earned by the teacher, whichever is larger, subject to the
29 prescribed maximum monthly payment, for a surviving spouse
30 alone on attainment of age 50;

31 60% of average salary for a surviving spouse and
32 eligible minor children of the deceased teacher.

33 If no eligible spouse survives, or the surviving spouse

1 remarries, or the parent of the children of the deceased
2 member is otherwise ineligible for a survivor's pension, a
3 children's pension for eligible minor children under age 18
4 shall be paid to their parent or legal guardian for their
5 benefit according to the following percentages:

6 30% of average salary for one child;

7 60% of average salary for 2 or more children.

8 On January 1, 1981, any survivor or child who was
9 receiving a survivor's or children's pension on or before
10 January 1, 1971, shall have his survivor's or children's
11 pension then being paid increased by 1% for each full year
12 which has elapsed from the date the pension began. On January
13 1, 1982, any survivor or child whose pension began after
14 January 1, 1971, but before January 1, 1981, shall have his
15 survivor's or children's pension then being paid increased 1%
16 for each full year which has elapsed from the date the
17 pension began. On January 1, 1987, any survivor or child
18 whose pension began on or before January 1, 1977, shall have
19 the monthly survivor's or children's pension increased by \$1
20 for each full year which has elapsed since the pension began.

21 Beginning January 1, 1990, every survivor's and
22 children's pension shall be increased (1) on each January 1
23 occurring on or after the commencement of the pension if the
24 deceased teacher died while receiving a retirement pension,
25 or (2) in other cases, on each January 1 occurring on or
26 after the first anniversary of the commencement of the
27 pension, by an amount equal to 3% of the current amount of
28 the pension, including all increases previously granted under
29 this Article, notwithstanding Section 17-157. Such increases
30 shall apply without regard to whether the deceased teacher
31 was in service on or after the effective date of this
32 amendatory Act of 1991, but shall not accrue for any period
33 prior to January 1, 1990.

34 Subject to the minimum established below, the maximum

1 amount of pension for a surviving spouse alone or one minor
2 child shall be \$400 per month, and the maximum combined
3 pensions for a surviving spouse and children of the deceased
4 teacher shall be \$600 per month, with individual pensions
5 adjusted for all beneficiaries pro rata to conform with this
6 limitation. If proration is unnecessary the minimum
7 survivor's and children's pensions shall be \$40 per month.
8 The minimum total survivor's and children's pension payable
9 upon the death of a contributor or annuitant which occurs
10 after December 31, 1986, shall be 50% of the earned
11 retirement pension of such contributor or annuitant,
12 calculated without early retirement discount in the case of
13 death in service.

14 On death after retirement, the total survivor's and
15 children's pensions shall not exceed the monthly retirement
16 or disability pension paid to the deceased retirant.
17 Survivor's and children's benefits described in this Section
18 shall apply to all service and disability pensioners eligible
19 for a pension as of July 1, 1981.

20 (Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.25 as follows:

23 (30 ILCS 805/8.25 new)

24 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
25 and 8 of this Act, no reimbursement by the State is required
26 for the implementation of any mandate created by this
27 amendatory Act of the 92nd General Assembly.

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.